

**REMARKS**

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested.

Claims 1-24 are currently pending in this application, of which claims 1, 12, 19 and 22 are independent and the rest are dependent. No claims are amended or cancelled.

**REJECTIONS UNDER 35 U.S.C. § 102**

CLAIMS 1-3, 5, 8-9, 12, 14 AND 19-24

Claims 12, 14, 22-24, 1-3, 5, 8-9, and 19-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Packer et al. (US 6,556,695, "Packer").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that Parker fails to anticipate each and every limitation of independent claims 1-3, 5, 8-9, 12, 14 and 19-24.

For example, claim 12 recites a device comprising, *inter alia*, a registration module connected to the segmentation module, [the registration module] constructed for an automatic correlation, [the automatic correlation carried out] by **surface matching of the 3D surface profile from the 3D image data to a 3D surface profile from the 3D mapping data in at least one stage of the registration.** (Emphases Added)

In the outstanding Office Action, the Examiner finds Applicant's arguments filed May 14, 2009 unpersuasive and has rejected the pending claims for reasons similar to the reasons cited in the Non-Final Office Action. *See, Final Office Action, Page 9.* Particularly, the Examiner asserts that, for the sake of examination, claims

1 and 12 are interpreted as directed to registering and superimposing mapping data and image data upon one another and automatically correlating position and dimension using matching technique. *See, Final Office Action, Page 10.* The Examiner alleges that the aforementioned features of claims 1 and 12 are disclosed by col. 2, lines 14-60 and col. 9, line 21-col. 10, line 36 and FIG. 1 of Parker. The Examiner further alleges that automated superimposition and matching techniques are inherent.

Applicants respectfully disagree. In col. 2, lines 14-60 and col. 9, line 21-col. 10, line 36, Parker teaches producing an electronic activation map but does *not* teach processing 3D mapping data. Particularly, Packer does not disclose or even suggest producing a 3D surface profile from the 3D mapping data and matching the 3D surface profile from the 3D image data with the 3D surface profile from the 3D mapping data. Namely, fails to anticipate and/or render obvious “a registration module connected to the segmentation module, [the registration module] constructed for an automatic correlation, [the automatic correlation carried out] by **surface matching of the 3D surface profile from the 3D image data to a 3D surface profile from the 3D mapping data in at least one stage of the registration,**” as recited in claim 12 and the somewhat similar features recited in independent claims 1, 19 and 22. (Emphases Added)

Also, because Parker fails to disclose or even suggest 3D mapping data and a registration module as required by claim 12, Parker fails to anticipate and/or render obvious “**a visualization module...to superimpose the 3D mapping data,**” as required by claim 12 and the somewhat similar features required by independent claims 1, 19 and 22. (Emphases Added)

Absent any such teachings, Applicants submit that Parker fails to anticipate and/or render obvious each and every limitation of independent claim 12 and the somewhat similar features recited in independent claims 1, 19 and 22. Claims 2-3,

5, 8-9, 14, 20-21 and 23-24, dependent on one of independent claims 1, 12, 19 and 22, are patentable for the reasons stated above with respect to claims 1, 12, 19 and 22 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-3, 5, 8-9, 12, 14 and 19-24 under 35 U.S.C. § 102 be withdrawn.

**REJECTIONS UNDER 35 U.S.C. § 103**

**CLAIMS 4, 13, 18**

Claims 13, 18, and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Packer, in view of Hemler et al. (A System for Multimodality Image Fusion, "Hemler") and further in view of Williams et al. (DE 19953308-A1, "Williams"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 4, 13 and 18 are patentable over Packer, as discussed above, as Packer fails to disclose or fairly suggest all of the features as recited in claims 1 and 12, the independent claims from which the rejected claims depend. Further, Hemler and Williams would fail to overcome the noted deficiencies of Packer (even if combinable, which is not admitted). Therefore, the combination of Packer, Hemler and Williams fails to render the subject matter of claims 4, 13 and 18 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 4, 13 and 18 under 35 U.S.C. §103 be withdrawn.

**CLAIM 6**

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Packer in view of Massaro et al. (2002/0087329, "Massaro"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 6 is patentable over Packer, as discussed above, as Packer fails to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further, Massaro would fail to overcome the noted deficiencies of Packer (even if combinable, which is not admitted). Therefore, the combination of Packer and Massaro fails to render the subject matter of claim 6 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claim 6 under 35 U.S.C. §103 be withdrawn.

#### CLAIM 7

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Packer (US 6,556,695, "Parker") in view of Shoji *et al.* (US 6,572,476, "Shoji") and further in view of Chiu *et al.* (2004/0233217, "Chiu"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 7 is patentable over Packer, as discussed above, as Packer fails to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further, Shoji and Chiu would fail to overcome the noted deficiencies of Packer (even if combinable, which is not admitted). Therefore, the combination of Packer, Shoji and Chiu fails to render the subject matter of claim 7 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. §103 be withdrawn.

#### CLAIMS 10-11 AND 15-17

Claims 10-11 and 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Packer in view of Solomon *et al.* (US 2003/0018251, "Solomon"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 10-11 and 15-17 are patentable over Packer, as discussed above, as Packer fails to disclose or fairly suggest all of the features as recited in claims 1 and 12, the independent claims from which the rejected claims depend. Further, Solomon would fail to overcome the noted deficiencies of Packer (even if combinable, which is not admitted). Therefore, the combination of Packer and Solomon fails to render the subject matter of claims 10-11 and 15-17 obvious to one of ordinary skill in the art. Applicants respectfully request that the rejection of claims 10-11 and 15-17 under 35 U.S.C. §103 be withdrawn.

**INTERVIEW REQUESTED**

If the Examiner remains unconvinced by the arguments set forth above, the Examiner is respectfully requested to contact the undersigned at the number below to arrange for a mutually convenient time to conduct an interview in connection with the present application.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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